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Motion Papers for Appellant

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MAR 22 1895

JAMES H. MCKENNEY,

CLERK

Supreme Court of the United States.

OCTOBER TERM, 1894.

No. 834.

JUAN PEDRO CAMOU,
Appellant,

vs.

THE UNITED STATES.

San Rafael del Valle Grant.

MOTION TO ADVANCE.

The appellant by his attorney of record moves the Court to advance this cause for hearing, and presents the following as a brief statement of the matter involved, with the reasons for the application :

This is an appeal from the Court of Private Land Claims on the part of the claimant of the San Rafael del Valle land grant, in Arizona Territory. The grant was issued by the State of Sonora, one of the States of the Mexican Republic, and was claimed to be a complete title in fee by metes and bounds. The court below, two judges out of the five dissenting, rejected the grant on solely one question of law, viz., that the decree of Santa Anna of November 25, 1853, made this grant and all other grants issued by the State of Sonora null and void. This decision thus affects a large part of the whole amount of land embraced within the Gadsden purchase and claimed under Mexican titles, and as there are other grants similar to this one now pending before the Court of Private Land Claims, it seems a matter of general importance that so far-reaching a question should be passed on by this Court as early as practicable, so that the other cases pending may be decided according to

the law as announced by this Court, as it is believed that a decision by this Court will prevent the necessity of multiplying appeals. Especially does this seem appropriate in view of the uncertainty arising from the fact that the lower court was so nearly evenly divided in its opinion.

In submitting the motion to advance the case involving the Los Nogales de Elias grant, appealed from the Court of Private Land Claims, which motion this Court granted, counsel quoted the following statement and recommendation from page 24 of the report for the year 1894 of Hon. Louis C. Hughes, Governor of Arizona, to the Secretary of the Interior:

"There is no one thing which is more devoutly prayed for by the settlers in the regions of these private land claims than an early, final settlement of title, and when it is considered that an area of more than 6,000,000 acres comprises the sum total of these claims, the interest manifested by our people may in a measure be realized. Until a final determination of title is had, the settlement and development of these vast areas of land must remain as at present, unoccupied and unproductive.

"I would therefore recommend, in the interest of claimants, homeseekers, and the Territory, an early hearing of all these cases which are or may be appealed to the Supreme Court."

The lands claimed under this and similar grants are not less than 75,000 acres, all of which is reserved from any settlement or entry under the land laws of the United States pending the final decision of the question involved. These lands so claimed are the best agricultural lands in the Gadsden purchase, and the prosperity of a large part of Pima and Cochise Counties, in Arizona Territory, depends on the settlement of the question involved in this case. No one of the many hundreds of persons on these grants can acquire any title to the home or farm occupied by him till it is determined by a decision of this Court whether these lands are the property of the United States or are owned by the grant claimants.

The Court of Private Land Claims expires by limitation on December 31, 1897, and if this cause awaits its regular

order on the docket of this Court it may not be reached until after the expiration of the court below, which, if such should be the case, will thus not have the benefit, as to the other similar cases pending before it, of the views of this Court.

It is more than forty-one years since the lands embraced within the Gadsden purchase were acquired by the United States, and after having waited so long for a settlement of his title claimant respectfully requests, under all the circumstances, that his case be advanced in this Court.

Respectfully submitted,

ROCHESTER FORD,

Attorney for Appellant.

HON. RICHARD OLNEY,

Attorney-General for Appellee,

Washington, D. C.

Please take notice that the foregoing motion will be submitted to the Supreme Court at the court room in the Capitol at Washington, District of Columbia, on the 25th day of March, 1895, at twelve o'clock noon, or as soon thereafter as counsel can be heard.

Dated Tucson, Arizona Territory, March 16, 1895.

ROCHESTER FORD,

Attorney for Appellant.

TERRITORY OF ARIZONA, }
COUNTY OF PIMA. } ss.

Ben Heney, of lawful age, being duly sworn, makes oath and says that on the 16th day of March, 1895, he served upon Hon. Richard Olney, Attorney-General of the United States, a copy of the foregoing motion by depositing a copy of said motion in the post office in the city of Tucson, Arizona, on the 16th day of March, 1895, securely enclosed in a postpaid envelope, and directed to said Hon. Richard Olney, Attorney-General of the United States, Washington, District of Columbia.

BEN HENEY.

Sworn to before me this 16th day of March, 1895.

W. T. GIBBON,

[SEAL.] Notary Public, Pima County, Arizona Territory.